

PJG/CH

--30. The composition of claim 14, wherein ethylene is present in an amount of from about 71% to about 75% by weight in the a) component polymer.--

REMARKS

This is in response to the Office Action mailed September 25, 2000, and is accompanied by a petition for a one-month extension of time. If any fees are occasioned by the filing of this paper, please charge the same to Deposit Account No. 02-2135.

Claims 29 and 30 are added to further specify the ethylene content of the low molecular weight material. Support for the range of about 71% to about 75% is in claim 1, and also, e.g., Example 1 (71%).

35 U.S.C. §112, second paragraph

Reconsideration and withdrawal of the rejection of claims 10-13 under 35 U.S.C. §112, second paragraph, are respectfully requested. Those claims have been amended to recite that the two component mixture is a "composition". The Examiner is thanked for her helpful suggestion in this regard.

Drey

35 U.S.C. §102

Reconsideration and withdrawal of the rejection of claims 1-7 and 9 under 35 U.S.C. §102(b) as being anticipated by Gros are respectfully requested. Applicant respectfully submits that Gros does not anticipate any of those claims.

Gros discloses blends of high and low molecular weight materials which are said to have increased hot and cold processability. Notably, Gros does not disclose any low molecular weight polymer having the relative amounts of monomer components recited in claim 1. The disclosure of molar ratios at column 3, lines 22-36 appears to be directed to the final low/high molecular weight blend. Moreover, Examples 3 and 4 of Gros appear to be directed to the low molecular weight materials, but in each instance, the polymer contained less ethylene than presently claimed (59 mole% in Example 3; 66 mole% in Example 4). In contrast, claim 1 recites a lower limit of 67 mole%. Moreover, new claims 29 and 30 specify an ethylene content of from about 71% to about 75%. Thus, Gros cannot anticipate any of the present claims.

Moreover, regarding claim 9, Gros does not mention the needle penetration test recited in that claim. The Examiner is apparently of the view that since Gros'

polymers are solids, then they would inherently have the claim 9 property. Applicant respectfully traverses. Applicant does not admit that any low molecular weight material in Gros is a solid. But even if some of them were solid, it still would not follow that they would necessarily meet claim 9, and in view of the foregoing, it cannot be assumed that the Gros low molecular weight material would inherently meet claim 9.

Reys
35 U.S.C. §103

Reconsideration and withdrawal of the rejection of claim 8 under 35 U.S.C. §103(a) as being unpatentable over Gros are respectfully requested.

The Action admits that Gros does not teach the viscosity average molecular weight recited in claim 8, but nonetheless rejects that claim based on that reference, allegedly since lower molecular weight molecules would be easily dispersed. Applicant respectfully submits that there is no motivation evident from Gros to make applicant's modification, and that the rejection cannot stand.

As reflected in the Examiner's admission, Gros indeed does not suggest modifying the molecular weight of its low molecular weight component material for any reason. The

Examiner does not specify the source of the alleged motivation. If the source is general knowledge in the art, there is still nothing evident from Gros that making the modification would be desirable or even successful. Gros describes a number of potential modifications to its blended product, such as relative amounts of high and low molecular weight materials, changes in ethylene content, etc. (see col. 5, lines 52-67), but is silent as to modifying the molecular weight of the low molecular weight component. That silence in the face of suggestions to modify other parameters is effectively a teaching away from molecular weight modification.

Reconsideration and withdrawal of the rejection of claims 11-28¹ under 35 U.S.C. §103(a) as being unpatentable over Frances in view of Gros are respectfully requested.

Frances is directed to the production of particulate elastomeric compositions which may be used to incorporate aramid pulp into elastomers. The aramid pulp is first mixed with a reinforcing filler, to which is added a solution of elastomer in an organic solvent. That mixture is preferably dried to remove the solvent, leaving an elastomeric composition which may be used as is, or for

¹The Action does not specifically include claim 10 in this rejection. However, the comments herein apply to that claim as well.

blending the aramid pulp into the same or a different elastomer (column 1, line 44-column 2, line 5). In all examples, the aramid pulp was premixed with a solution of some sort of rubber (natural, Neoprene or SBR) in toluene.

The Action admits that Frances does not disclose the presently claimed low molecular weight materials, and relies on Gros to fill in that gap. However, since Gros neither discloses nor renders obvious the claimed low molecular weight polymers (see above), it cannot fill in that gap in Frances and no *prima facie* case is made out.

Moreover, in all instances, Frances preblended aramid fibers with an elastomeric material dissolved in an organic solvent. There is no indication in Frances that preblending with the low molecular weight material of the present claims would be desirable or successful. Further, as Gros is not directed to aramid fibers at all, it cannot supply the missing motivation. That motivation is supplied only by applicant's specification, which of course is not prior art.

Applicants submit that the present application is now in condition for allowance. Reconsideration and favorable action are earnestly requested.

Respectfully submitted,



Glenn E. Karta
Attorney for Applicant
Registration No. 30,649
ROTHWELL, FIGG, ERNST & MANBECK, P.C.
Suite 701-E, 555 13th Street, N.W.
Washington, D.C. 20004
Telephone: (202) 783-6040